

IN RE: PETITION FOR ADMINISTRATIVE	* BEFORE THE
ZONING VARIANCE	
WS of Old York Road, 125 ft. S	* ZONING COMMISSIONER
of the c/l Glenberry Court	
14811 Old York Road	* OF BALTIMORE COUNTY
10th Election District	
3rd Councilmanic District	* Case No. 99-96-A
Eric K.J. deKozlowski, et ux	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Eric K.J. deKozlowski and Dawn C. deKozlowski, his wife, for that property known as 14811 Old York Road in the Phoenix section of Baltimore County. The Petitioners/property owners herein seek a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 12 ft. in lieu of the required 35 ft., for a principal structure, in an R.C.2 zone. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

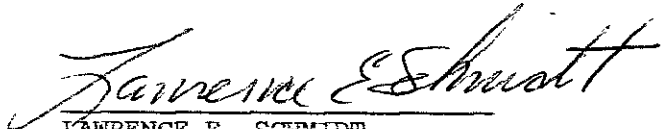
ORIGINAL FILED FOR FILING
 DATE 10/16/99
 BY [Signature]

Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of October 1998, that the Petition for a Residential Variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 12 ft., in lieu of the required 35 ft., for a principal structure, in an R.C.2 zone, be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The building shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

October 2, 1998

Mr. and Mrs. Eric K.J. deKozlowski
14811 Old York Road
Phoenix, Maryland 21131

RE: Petition for Administrative Variance
Case No. 99-96-A
Property: 14811 Old York Road

Dear Mr. and Mrs. deKozlowski:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

14811 Old York Rd. Phoenix, Md. 21131

which is presently zoned

RC-2

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) Section 1A01.3.B.3 to permit a side yard setback for a principal structure of 12 ft. in lieu of the required 35 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

The steep grade of property precludes placement of machinery shed elsewhere on property. For reasons of practical difficulty, close proximity to main barn, existing driveway will improve overall operating efficiency of farm.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee.

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

Eric K.J. deKozlowski

(Type or Print Name)

Signature

Dawn C. deKozlowski

(Type or Print Name)

Signature

(w) 472-4433

14811 Old York Rd. (h) 472-3272

Address

Phone No

Phoenix Maryland. 21131

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Same

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: BK

DATE: 9/2/88

ESTIMATED POSTING DATE: 9/13/88

Printed with Soybean Ink
on Recycled Paper

ITEM #: 96

99-96-A

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

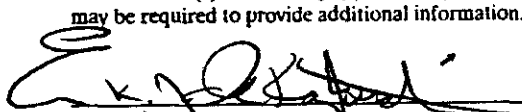
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 14811 Old York Rd.
address
Phoenix Maryland 21131
City State Zip Code


That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

The tractor with hay implement attached is 40' long and another 40' is needed for turning radius. There is a minimum of 80' required between buildings in order to safely maneuver equipment into machinery shed.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.


(signature)
Eric K.J. deKozlowski
(type or print name)




(signature)
Dawn C. deKozlowski
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:


I HEREBY CERTIFY, this 27th day of August, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Eric K.J. deKozlowski And Dawn C. deKozlowski

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

8/27/98
date


CAROL J. PORCHER
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires January 3, 1999
NOTARY PUBLIC

My Commission Expires: 1/3/99

A-6P-PP

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 14811 Old York Rd.
address
Phoenix Maryland. 21131
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

The tractor with hay implement attached is 40' long and another 40' is needed for turning radius. There is a minimum of 80' required between buildings in order to safely maneuver equipment into machinery shed

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
(signature)
Eric K.J. deKozlowski
(type or print name)



[Signature]
(signature)
Dawn C. deKozlowski
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27th day of August, 1978, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Eric K.J. deKozlowski AND Dawn C deKozlowski

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

8/27/78
date

[Signature]
NOTARY PUBLIC
CAROL J. PORCHER
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires January 3, 1999

My Commission Expires: 1/3/79

A-6P-PP



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 14811 Old York Rd. Phoenix, Md. 21131
which is presently zoned RC-2

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) Section 1A01.3.B.3 to permit

a side yard setback for a principal structure of 12 ft. in lieu of the required 35 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

The steep grade of property precludes placement of machinery shed elsewhere on property. For reasons of practical difficulty, close proximity to main barn and existing driveway will improve overall operating efficiency of farm.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s)

(Type or Print Name)

Eric K.J. deKozlowski

(Type or Print Name)

Signature

Signature

Address

Dawn C. deKozlowski

(Type or Print Name)

City

State

Zipcode

Signature

(w) 472-4433

Attorney for Petitioner:

14811 Old York Rd. (h) 472-3272

Address

Phone No

(Type or Print Name)

Phoenix Maryland. 21131

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Signature

Same

Name

Address

Phone No

Address

Phone No.

City

State

Zipcode

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County this ____ day of _____ 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: Sh

DATE: 9/2/98

ESTIMATED POSTING DATE: 9/13/98

Printed with Soybean Ink
on Recycled Paper

ITEM #: 96

99-96-A

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 14811 OLD YORK ROAD, BEGINNING AT A POINT ON THE WEST SIDE OF OLD YORK ROAD WHICH IS 35 FEET WIDE AT THE DISTANCE OF 125 FEET SOUTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET GLENBERRY COURT WHICH IS 25 FEET WIDE. BEING LOT #2, WITHIN THE MINOR SUBDIVISION OF SPRINGMEADE FARM AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #35, FOLIO #236, CONTAINING 51.17 ACRES. ALSO KNOWN AS 14811 OLD YORK ROAD AND LOCATED IN THE 10th ELECTION DISTRICT, 3rd COUNCILMANIC DISTRICT.

99-96-A

#96

BALTIMORE COUNTY, MARYL D
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 054707

DATE 9/2/98 ACCOUNT R001-6150

AMOUNT \$ 50.00

RECEIVED FROM: de Kozlowski

FOR: code 010 Admin. Variance

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 96

PAID RECEIPT

PROCESS ACTUAL TIME
9/02/1998 9/02/1998 13:48:28

WEB MS05 CASHIER LOWE LYN BARNER

MISCELLANEOUS CASH RECEIPT

Receipt # 073583

CR NO. 054707

50.00 CHECK

Baltimore County, Maryland

99-96-A

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ADMIN. VAR.

RE. Case No.

99-96-A

Petitioner/Developer

DEKOZLOWSKI, ETAL

Date of Hearing/Closing

9/28/98

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #14811 OLD YORK RD.

The sign(s) were posted on

9/12/98
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 9/18/98
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

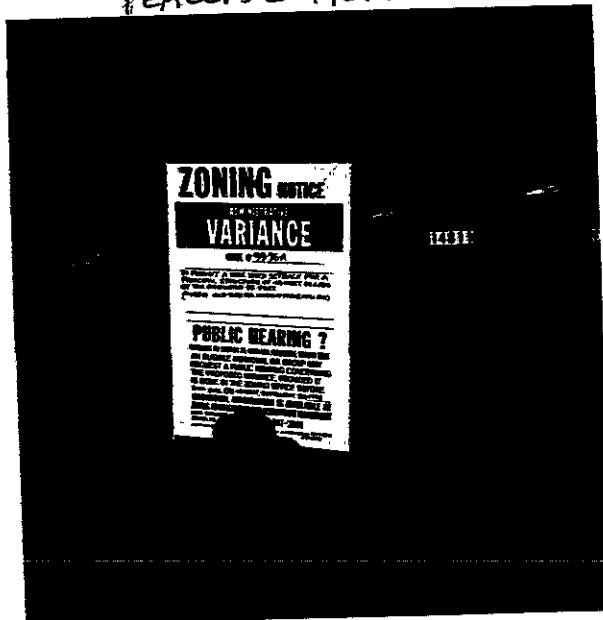
HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571

(Telephone Number)

PEACEFUL MEADOWS



99-96-A
#14811 OLD YORK RD.
CL. 9/28/98
DEKOZLOWSKI

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 99- 96 -A Address 14811 Old York Rd.Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your NameFiling Date: 9/2/98 Posting Date: 9/13/98 Closing Date: 9/28/98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMATCase Number 99- 96 -A Address 14811 Old York Rd.Petitioner's Name dekozowski Telephone 410-472-3272 h.m.Posting Date: 9/13/98 Closing Date: 9/28/98Wording for Sign: To Permit a side yard setback for a principal structure
of 12 ft. in lieu of the required 35 ft.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Ave
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No 96

Petitioner: Mr. Eric K. deKozlowski

Location: 14811 Old York Rd Phoenix, Maryland 21131

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Eric K. deKozlowski

ADDRESS: 14811 Old York Rd
Phoenix, Maryland 21131

PHONE NUMBER: (410) 472-3272

AJ:ggs

(Revised 09/24/96)

99-96-A

#96

-16-



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 28, 1998

Mr. & Mrs. Eric deKozlowski
14811 Old York Road
Phoenix, MD 21131

RE: Item No.: 96
Case No.: 99-96-A
Location: 14811 Old York Rd

Dear Mr. & Mrs. deKozlowski:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on September 2, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", written over a circular stamp.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: September 23, 1998

FROM: *pub* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for September 21, 1998
Item Nos. 091, 092, 093, 095, (096),
097, 098

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE0921.NOC

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: POM

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: 9/14/92

DATE: 9/22/92

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

add. final Item

Item #'s:

** 94*

96

RBS:sp

BRUCE2/DEPRM/TXTS8P



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Date: 9.11.94

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 096

BR

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

R. J. Burns
for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: September 11, 1998

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

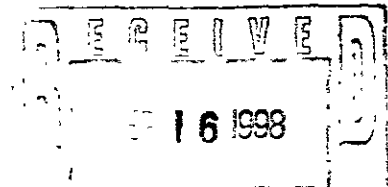
The Planning Office has no comments on the following petition (s):

Item No. 95 (96) 97, 99, and 100

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3480.

Section Chief: Jeffrey W. Long

AFK/JL





Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

September 15, 1998

TO: Arnold Jablon, Director
Permits and Development Management
MAIL STOP-1105

FROM: LT. ROBERT P. SAUERWALD
FIRE MARSHAL OFFICE
MAIL STOP - 1102F, PHONE 887-4881

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF SEPT. 14, 1998.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 091, 092, 093,
094, 095, (096) 097, 099 AND 100.





**Baltimore County
Zoning Commissioner**

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

January 11, 2001

Mr. S.A. "Skip" Brown, III, President
The Belt's Corporation
949 Fell Street
Baltimore, Maryland 21231

RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/S Old York Road, 125' S of the c/l Glenberry Court
(14811 Old York Road)
10th Election District – 3rd Council District
Eric K. J. deKozlowski – Petitioner
Case No. 99-96-A

Dear Mr. Brown:

In response to your letter dated January 2, 2001 addressed to the Honorable County Executive C.A. Dutch Ruppertsberger concerning the above-captioned matter, and to follow-up on our previous conversation, I offer the following comments.

When I fielded your telephone call, I did not have the case file for this matter in my possession and answered your questions based on a copy of the written decision. We keep a copy of all decisions rendered in my office. In any event, I have since had the opportunity to retrieve the case file from the Department of Permits and Development Management (DPDM) and have reviewed the documents contained therein.

For your information, Section 26-127 of the Baltimore County Code empowers the Zoning Commissioner to grant "administrative" variances from the zoning regulations when certain circumstances exist. Specifically, the relief requested through the Petition must involve an owner-occupied, residentially zoned property. Under such circumstances, the owner/applicant is required to submit an affidavit under oath, made on personal knowledge, setting forth the facts that would justify the variance. Secondly, in addition to the filing of the affidavit and Petition for Variance, the property owner must, on the lot in question, post a sign giving public notice of the requested relief for a period of at least 15 days following the application. That sign notifies any interested person of the request and further advises the public that any occupant or owner residing within 1,000 feet of the lot in question may file a formal request for public hearing before the Zoning Commissioner. If a request is filed, a public hearing is scheduled at which time all parties have the opportunity to testify and present evidence in support of their respective positions. If no request for public hearing is made, the Zoning Commissioner will make a decision on the requested relief, based on the documentation contained in the case file.



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

Come visit the County's Website at www.co.ba.md.us

Mr. S. A. "Skip" Brown, III

January 11, 2001

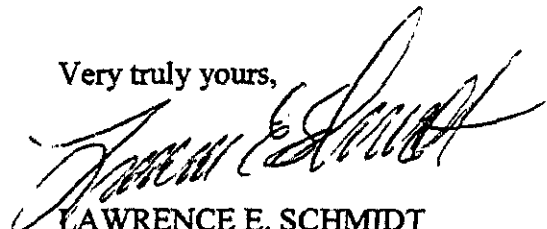
Page 2

This procedure was enacted by the County Council to provide residential property owners with a simplified process upon which zoning relief could be obtained. The administrative process is only available for owner-occupied residential properties. When this statute was enacted, Council apparently felt that a simplified process for owner-occupied residential properties was appropriate without the notice and public hearing requirements, which, under law, are required for a standard variance request. Baltimore County's policy further requires that the sign giving public notice of the hearing be posted by an individual approved by the County and not the property owner. There have been circumstances where a property owner erected a sign and removed same shortly thereafter in order to avoid actual public notice. In order to avoid this scenario, the County requires that the property owner select an individual from the "approved sign-posters list". In this case, the applicant chose Mr. Patrick O'Keefe, an approved individual. According to Mr. O'Keefe's sworn statement on file, as well as a photograph taken of the sign, the property was posted on September 12, 1998. There was no public hearing requested thereafter.

That matter then came before my office for consideration, and I granted the variance request on October 6, 1998, well beyond the required 15-day posting period. Although the variance was granted, a restriction was imposed thereon requiring that the Petitioners not convert or cause the proposed building to be converted to a second dwelling unit or apartments, and further restricted from containing living or sleeping quarters, and no kitchen or bathroom facilities. As to the merits of the case, the affidavit and site plan submitted were persuasive that the proposed location of the barn was appropriate. Indeed, photographs submitted by the applicant showed that the barn was to be placed near an existing barn, which was 40' x 80' in dimension. It was indicated that the second barn was necessary to provide storage for additional machinery related to equipment needed for the operation of the farm. It was also indicated that the clustering of these two buildings would be appropriate and that both buildings would be near an existing driveway. Additionally, the site plan submitted did show that the proposed barn would be 12 feet from the property line, in lieu of the required 35 feet. That plan also showed your property was adjacent to the subject parcel, and that the nearest improvement on your property was a tenant dwelling which was approximately 60 feet from the common property line. Taking all of these factors into consideration, I approved the variance.

I trust that the above has been helpful. If I can provide any further information, please do not hesitate to contact me.

Very truly yours,



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: The Honorable County Executive C.A. "Dutch" Ruppertsberger

File

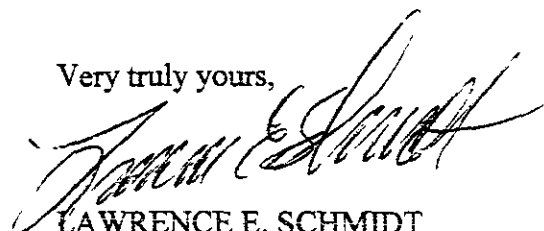
Mr. S. A. "Skip" Brown, III
January 11, 2001
Page 2

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Very truly yours,



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: The Honorable County Executive C.A. "Dutch" Ruppersberger

✓
File

January 2, 2001

JAN - 5

The Honorable C.A. Dutch Ruppertsberger
Baltimore County Executive
Court House Mezzanine
400 Washington Avenue
Towson, MD 21204

Re: Notice to Adjoining Property Owners
Zoning Case #99-96-A
14811 Old York Road

Dear Dutch:

In regard to our conversation on December 23rd, I think it is important to bring it to your attention that there are very few municipalities that do not send letters to adjoining property owners concerning variances. Baltimore County's antiquated system of simply posting a sign leaves too many possibilities of avoiding compliance by the petitioner. I would hope that you would use your office to improve this faulted process by requiring notices be given to adjoining property owners. This not only will provide a better service to constituents, in the long run it will decrease costly litigation, etc.

The lack of proper notice has caused me a great deal of harm as well as loss of property value. Specifically, the adjacent property owner to my farm was given a variance to build a barn within 12' of my property line. I discussed this with Lawrence Schmidt, Zoning Commissioner, who was extremely understanding, but explained that the petition apparently had been posted and that his investigator saw no problem with the variance.

It is my opinion that the posting could not have met the time requirements as no one recalls ever seeing any zoning variance being posted at the front of this property. My wife and I, as well as my farm managers, drive by in front of this property every day, and I can assure you that we would have objected to the variance if such a notice had been seen. I believe the sign was left posted only long enough for a photo.

Mr. Schmidt advised me that someone from Code Inspection visited the site and gave a favorable opinion of the variance. I cannot imagine that anyone with any common sense would have approved a variance which put a huge barn within 50' of my well and 100' of the house.

The Honorable C. A. Dutch Ruppertsberger

January 2, 2001

Page2

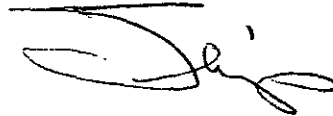
The petitioner has over 50 acres on which to place a barn and how a Baltimore County representative could think that putting a barn 12' from my property line makes good sense is beyond me. Obviously, I am extremely disappointed not only in Baltimore County's process, but in Baltimore County's employee.

Additionally, an estimated 50 truckloads of dirt were brought in to fill in a hill and build the height of this barn up 6' higher than my land, which has caused water to drain onto my property, as well as erosion. Unfortunately, Mr. Mike Moorefield doesn't seem to think this has caused any real problem. David Thaler, my engineer, says he can easily prove the damages but the entire process would be very expensive at this stage.

Although I believe I could overturn the actions of the Baltimore County Department of Permits, it would be a costly legal endeavor, and, therefore, it appears that I will have to accept this encroachment.

You, however, can prevent this injustice from occurring in the future by improving the process.

Sincerely yours,

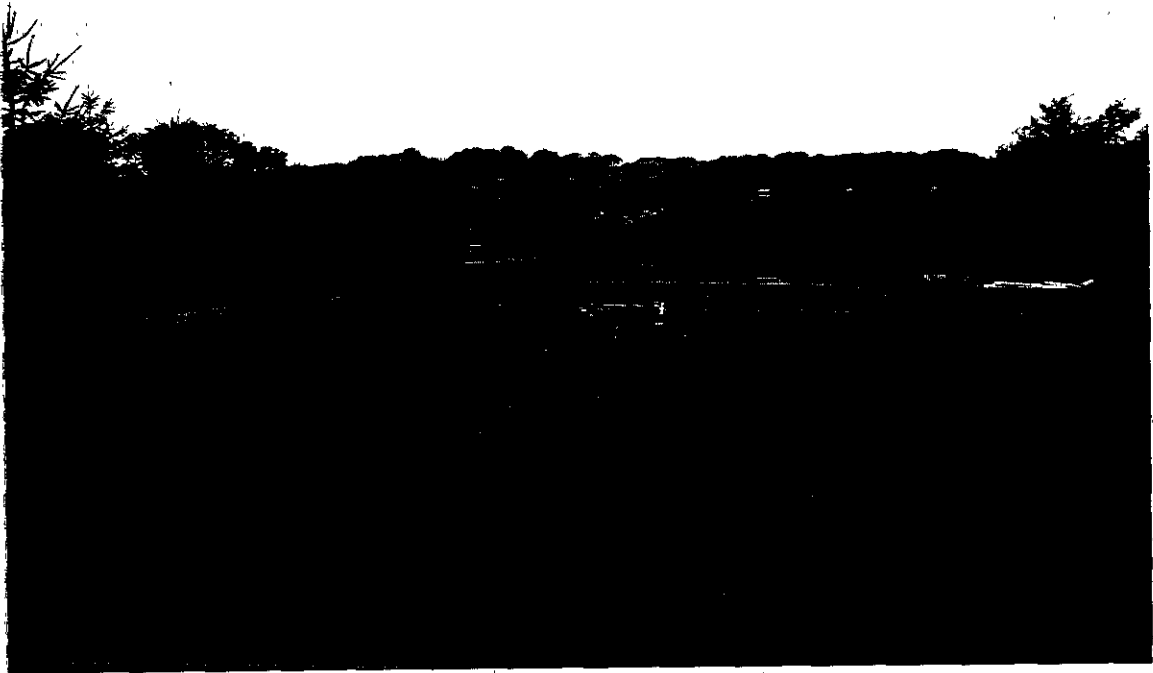


S. A. "Skip" Brown, III
President

/sdb

cc: Mr. Lawrence E. Schmidt
Zoning Commissioner
Mr. Mike Moorefield
Supervisor Sediment Control

011t2380.sdb



99-96-A



99-96-A



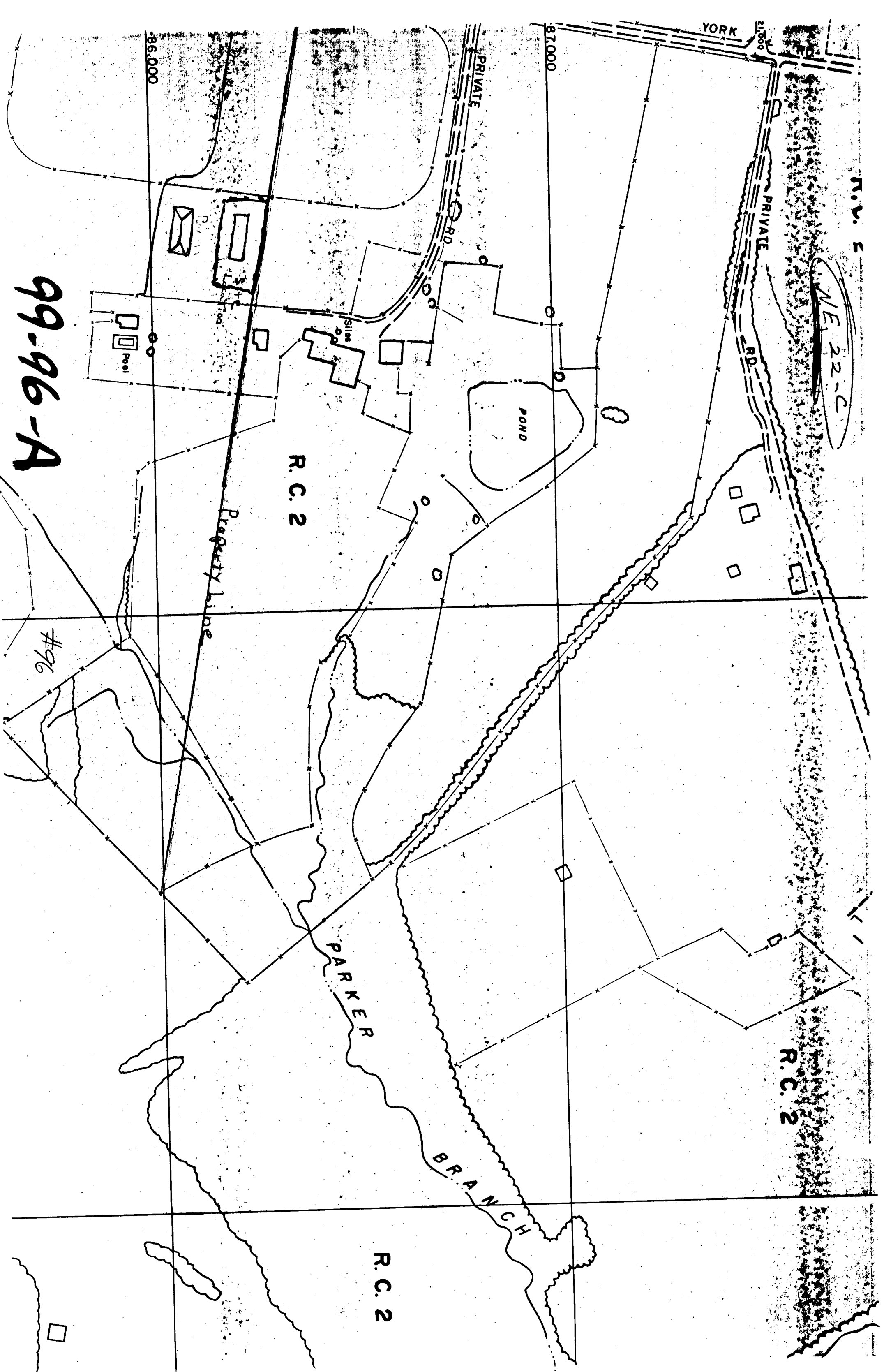
99-96-A



99-96-66

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE		LOCATION	SHEET
1" = 200' ±	DATE	SOUTHEAST CLYMMALIRA CHURCH	N.E. 22-C
	OF PHOTOGRAPHY JANUARY 1986		

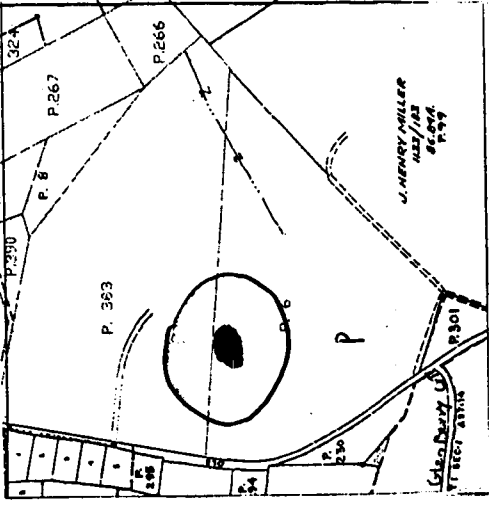
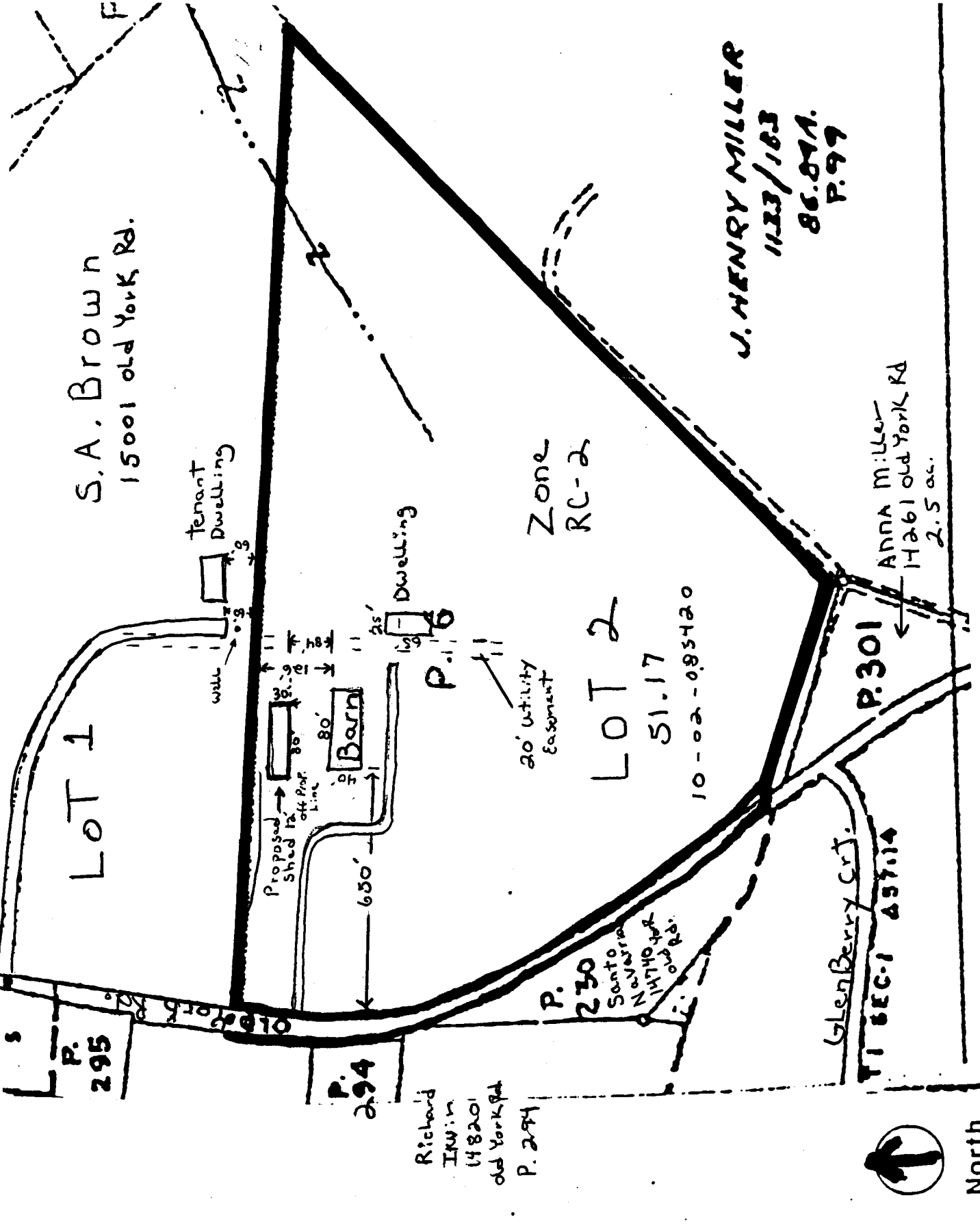


Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 14811 Old York Rd. see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Springmeade Farm
Plat book # _____, folio # _____, lot # _____, section # _____

OWNER: Eric & Dawn deKorlowshi Zone RC-2



Vicinity Map
North
Scale: 1"=1000'

LOCATION INFORMATION

Election District: 10
Councilmanic District: 3

1"=300' scale map#:

Zoning: RC-2

Lot size: 51.17 acreage square feet

SEWER: ☐ public ☒ private
WATER: ☐ public ☒ private
Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

Blk -96- 99-96-A

date: 8/31/98 Scale of Drawing: 1"=300'
prepared by: Eric deKorlowshi NOTE: Additional Info Sec Subd. Plat 1"=100'